

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DALE ARNOLD,  
Petitioner

v.

FREDERICK FRANK, et al.,  
Respondents

CIVIL NO. 1:00-CV-0775

(JUDGE KANE)

(MAGISTRATE JUDGE SMYSER)

FILED  
HARRISBURG

JUN 20 2001

MARY E. D'ANDREA, C  
Per. 9/18  
DEPUTY CLERK

**RESPONDENTS' UNOPPOSED MOTION FOR AN ENLARGEMENT  
OF TIME IN WHICH TO FILE THEIR BRIEF IN OPPOSITION  
TO THE PETITION FOR WRIT OF HABEAS CORPUS**

Respondents, by their attorneys, hereby respectfully move the Court pursuant to Fed.R.Civ.P.6(b) for a enlargement of time until August 3, 2001, in which to file their brief in opposition to the petition for writ of *habeas corpus* in this matter. In connection with this motion, respondents state as follows:

1. This is a *habeas corpus* action filed by a Pennsylvania prisoner pursuant to 28 U.S.C. § 2544.
2. Previously in this action, respondents were represented by the Bradford County District Attorney's Office. Approximately two months ago, at the request of that office, the Office of Attorney General agreed to assume representation of respondents in this case and it was assigned to undersigned counsel.
3. The Office of Attorney General has had no prior involvement in this case, nor involvement in the criminal case in state court which has resulted in the convictions which are the subject of the petition.
4. Due to the change in representation, former counsel for respondents filed a motion on April 20, 2001, asking that the Court extend the period for the filing of respondents' brief in

opposition to the petition until July 3, 2001, which the Court granted the same day.

5. Recent developments in several other complex cases undersigned counsel is handling have made it necessary to re-assign this case to another attorney in her office, Senior Deputy Attorney General Ronald T. Williamson, and arrangements have been made to transfer the case file to him in Philadelphia, where he is located, today.

6. In order to afford new counsel time to review the file and to prepare their brief, respondents are requesting a 30-day enlargement of time, until August 3, 2001, in which to file the same.

7. As the appended certificate reflects, counsel for petitioner was contacted with regard to this motion and he had kindly indicated concurrence in this same.

**WHEREFORE**, respondents respectfully request that the Court permit them to file their opposing brief on or before August 3, 2001.

**Respectfully submitted,**

**D. MICHAEL FISHER**  
**Attorney General**

**WILLIAM H. RYAN, JR.**  
**Executive Deputy Attorney General**  
**Director, Criminal Law Division**

**ROBERT A. GRACI**  
**Assistant Executive Deputy Attorney General**  
**Law and Appeals**

**BY:**

  
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**AMY ZAPP**  
**Senior Deputy Attorney General**  
**Capital Litigation Unit**  
**Attorney I.D. #28065**

**Counsel for RESPONDENTS**

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**DATE: June 20, 2001**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DALE ARNOLD,	:	
Petitioner	:	CIVIL NO. 1:00-CV-0775
	:	
v.	:	(JUDGE KANE)
	:	
FREDERICK FRANK, et al.,	:	(MAGISTRATE JUDGE SMYSER)
Respondents	:	

CERTIFICATE OF CONCURRENCE

I, AMY ZAPP, Senior Deputy Attorney General, hereby certify that I contacted Daniel I. Siegel, Esq., counsel for petitioner, regarding concurrence in the foregoing motion and he gave the same.



AMY ZAPP

Senior Deputy Attorney General

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DALE ARNOLD,	:	
Petitioner	:	CIVIL NO. 1:00-CV-0775
	:	
v.	:	(JUDGE KANE)
	:	
FREDERICK FRANK, et al.,	:	(MAGISTRATE JUDGE SMYSER)
Respondents	:	

CERTIFICATE OF SERVICE

AND NOW, this 20<sup>th</sup> day of June, 2001, I, AMY ZAPP, Senior Deputy Attorney General, counsel for the respondents, hereby certify that I served the foregoing **Respondents' Unopposed Motion for An Enlargement of Time in Which to File Their Brief in Opposition to the Petition for Writ of *Habeas Corpus*** by causing a copy of the same to be placed in the United States mail, first class postage prepaid, at Harrisburg, PA, addressed to counsel for petitioner as follows:

Daniel I. Siegel, Esquire  
Assistant Federal Public Defender  
100 Chestnut Street, Suite 306  
Harrisburg, PA 17101

  
AMY ZAPP

Senior Deputy Attorney General